THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2162 of 2005

Dated: 18.08.2006

Between
N/s.Sri Anjaneya Enterprises
Rep., by its Proprietor
G.Yoganandarao

…..Petitioner

and

1. The Joint Director of Agriculture,
Guntur and another.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2162 of 2005

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the order dated 31.12.2004 made in file No.PP.II (i) 2196/2004 on the file of the 2nd respondent confirming the orders of the 1st respondent made in PP.III/5483/2004, dated 17.11.2004 and to quash the same as illegal, arbitrary and violative of Articles 14, 19 (1) (g), 21 and 300-A of the Constitution of India.

It appears that the petitioner is dealing with the business of pesticides and insecticides under the licence issued by the 1st respondent and the said licence is valid up to 31.12.2005. Now, it is stated to be extended during the pendency of the writ petition. While so, the 1st respondent passed impugned proceedings dated 17.11.2004 cancelling the licence issued under the Insecticides Rules 1971 and Insecticides (Price Stock display and submission of reports) Orders, 1986 on the ground that the petitioner had violated Section 13 (1) of Insecticides Act 1968 and also Clause 6 of Insecticides (Price, Stock display and submission of reports) Orders 1986 and Rule 15 (1) of Insecticides Rules 1971. The petitioner submitted his explanation to the show cause notice issued by the 1st respondent stating that he had applied and obtained licence as a proprietor firm and that the bills were not attested by the proprietor of the firm or sale assistant due to

mistake. This explanation was not taken to be convincing and satisfactory, therefore, the licence of the petitioner was cancelled. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent, the appellate authority cum Commissioner & Director of Agriculture, Andhra Pradesh, Hyderabad. The appellate authority copied down the grounds of appeal and elaborations of the respondent and passed a cryptic order saying that the order issued by the respondent is in accordance with Section 14 (1) (a) (b) of Insecticides Act, 1968. The appeal made by the counsel to consider the grounds as arguments was rejected.

All this would show that though the petitioner has accepted that it was his mistake in not signing the bills, no enquiry was made into the truth or otherwise of such submission made by the petitioner. Both the authorities have assumed the explanation given by the petitioner as an admission and cancelled the authorization.

In this view of the matter, I am of the opinion that the petitioner should have been given an opportunity to show that it was a real mistake on his part in not signing the bills. Such an opportunity was not given in this regard. Therefore, the impugned order dated 17.11.2004 as confirmed by the 2nd respondent vide orders dated 31.12.2004 is liable to be set aside and is accordingly set aside.

In the result, the writ petition is allowed and the matter is remitted to the 2nd respondent for fresh consideration after issuing notices to all the concerned including the petitioner and the

petitioner may be permitted to lead evidence if any required in this regard.

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18.08.2006

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